
Chapter 4

RESOURCE PROTECTION GUIDELINES AND REGULATORY PROCEDURES



Figure 4.1: Chestnut Hill Reservoir and Gatehouse #2 (2005)

Under this Resource Management Plan (RMP), the Department of Conservation and Recreation will manage the Chestnut Hill Reservation as an important recreational park as well as a significant historic landscape and natural resource. This management strategy is reinforced by the designations and regulatory protections currently in place at the property which include:

- Listing on the National Register of Historic Places as part of the Water Supply System of Metropolitan Boston thematic nomination;
- Designation as a City of Boston Landmark;
- Protections under the Wetlands Protection Act as administered by the Boston Conservation Commission;
- Restrictions as outlined in the joint management agreement between the MWRA and DCR.

Each of these designations has implications for the management and treatment of the Chestnut Hill Reservation. As a result, the recommendations of this RMP must be consistent with the applicable laws, as well as the professional standards, guidelines, review processes, and practices promulgated by the associated agencies, and the implementation of the recommendations must follow all applicable regulatory procedures.

Historical Designations and Treatment Standards

Portions of Chestnut Hill Reservation are listed on the National Register of Historic Places (NR) and are designated a City of Boston Landmark. By law, DCR must consult with the Massachusetts Historical Commission (MHC) for actions impacting NR properties. The law requires that DCR seek approval from the Boston Landmarks Commission (BLC) for changes proposed to the landmark property.

1. The National Register of Historic Places

The National Register of Historic Places (NR) is the nation's list of historic properties worthy of preservation. Properties on the NR are recognized as making important contributions to a community, the Commonwealth or the nation, because of the property's historical significance based on the property's associations with important historical events, persons, design, or archeological resources. DCR consults NR nominations to identify features that contribute to the understanding of a place as a historic property. Buildings, structures, sites, and objects that are substantial in scale and which relate directly to the significance of the property are listed as "contributing resources" in the nomination. Smaller individual features, such as specimen trees and site furnishings are often considered "contributing features" in cultural resource planning. DCR uses the period of

significance to prioritize features for preservation and to interpret properties. Later features that do not relate to the period of significance are usually given less priority than those that are associated with historic periods.

Most of the Chestnut Hill Reservation is listed on the National Register of Historic Places as part of the “Water Supply System of Metropolitan Boston” thematic nomination. The current NR boundary does not follow the Chestnut Hill Reservation boundary, as it excludes the Reilly Rink and Pool, the woodland behind the rink/pool, and the vehicular area in front of Gatehouse #1. The listing also includes properties and features no longer contained within Commonwealth lands – specifically the buildings now being rehabilitated through the Waterworks development. This nomination also includes other DCR managed properties at Middlesex Fells Reservation and along the Cochituate, Sudbury and Wachusett Aqueducts. Overall, the resources of this nomination relate to the development of the water supply system from 1865-1926. Features that survive from this period are usually considered “contributing features.”

An analysis of the property undertaken as part of this RMP has determined that the Reservation may also be important for its association with two secondary historic contexts – the Early Boston Park (1865-1919) and the Metropolitan Park System (1919-1948).

For the purposes of this RMP, the primary period of significance, 1865-1926, is identified as the priority for site interpretation, although the entire Reservation is potentially eligible for listing on the NR under the two secondary contexts. Additions introduced to the Reservation after 1948, such as Reilly Memorial Pool and Rink and their associated walkway and service driveway, are considered non-contributing resources.¹

a. Secretary of the Interior’s Standards

To protect the significance historic features of the Chestnut Hill Reservation, DCR will follow the *Secretary of the Interior’s Standards for the Treatment of Historic Properties, with Guidelines for the Treatment of Cultural Landscapes*. The Secretary’s Standards are the benchmark for preservation practice in the U.S. and provide general principals with four philosophical approaches. The treatment approach for most of the Chestnut Hill Reservation will be **Rehabilitation**, which is described in further detail in Chapter 5, and defined as follows:

The act or process of making possible a compatible use of a property through repair, alterations and additions while preserving those portions or features which convey its historical, cultural or architectural values.²

The DCR has also identified the area from east of the Reservoir dam Gatehouse #1 to and area west of Gatehouse #2 as a priority for site interpretation. This area will be treated as a distinct **Restoration** zone to physically illustrate the appearance of the Reservoir during the primary period of significance. The restoration zone is also explained in more detail in Chapter 5.

b. NR Regulatory Compliance

Properties listed on the National Register are automatically included in the State Register of Historic Places, maintained by the Massachusetts Historical Commission (MHC), and are protected from adverse effects of actions by state and federal agencies through a review and consultation process. DCR funded, permitted or approved activities at Chestnut Hill Reservation are subject to review by the Massachusetts Historical Commission (MHC) as outlined in M.G.L. Ch.9 ss. 26-27c as amended by Ch. 254 of the Acts of 1988. Activities which utilize federal funding or require federal permits or approvals are reviewed by the MHC as required under Section 106 of the National Historic Preservation Act of 1966.

To comply with these regulations, DCR must file a Project Notification Form (PNF) for all work at the Reservation, initiating the consultation with MHC. DCR’s Office of Cultural Resources is the liaison with the MHC for regulatory compliance and will coordinate development and submission of all PNFs. The MHC will review projects for consistency with the *Secretary of the Interior’s Standards for the Treatment of Historic Properties* and make a determination of “no effect,” no adverse effect,” or “adverse effect.” Adverse effect findings require additional consultation with the MHC, possible including the negotiation of a Memorandum of Agreement between the agencies to outline mitigation to offset the adverse impacts. By law, the MHC has thirty days to review each PNF, so consultation early in the project planning phase is recommended.

2. The Boston Landmarks Commission (BLC)

In 1989, the Boston Landmarks Commission completed a study entitled “Report of the Boston Landmarks Commission on the Potential Designation of the Chestnut Hill Reservoir and Pumping Stations as a Landmark.” The property was subsequently designated a local landmark under Chapter 772 of the Acts of 1977, as amended. This designation provides local regulatory review and approval of physical changes to the property. The 1989 study report contains the Standards and Criteria for treatment of the Reservoir landmark district, including the Chestnut Hill Reservation (excluding the Rink and Pool area, woodland and Gatehouse #1 courtyard area). In addition to the General Standards and Criteria, several Specific Standards and Criteria are articulated, including treatment of the landscape (Section 9.0).

a. BLC Regulatory Compliance

DCR activities at Chestnut Hill Reservation must comply with the Standards and Criteria outlined in the 1989 Study Report from the Boston Landmarks Commission (BLC). For any project at the Reservation affecting lands within the BLC boundary, the DCR must file an “Application for Certificate of Design Appropriateness or Design Approval or Exemption.” The BLC meets twice each month to review the applications and make their decisions. Unlike the MHC review process, which is consultative, the BLC has the legal authority to approve or deny project proposals.

Water Resource Protection

Of the approximately 120 acres of Commonwealth land at Chestnut Hill Reservation, about 80 acres is open water. The Reservoir (Bradlee Basin) is both a historic landscape feature and an important water resource. In addition to the historic protections above, the Reservoir is protected by the Massachusetts Wetlands Protection Act, which is enforced by Boston Conservation Commission, and the restrictions outlined in the 2002 joint management agreement with the Massachusetts Water Resource Authority (MWRA).

1. Boston Conservation Commission (BCC)

The Boston Conservation Commission (BCC) protects and preserves open space and other natural areas of the City including wetlands. The BCC administers the Massachusetts Wetlands Protection Act (M.G.L.c131s.40)

and the Massachusetts Rivers Protection Act (HB s. 18.26) the Conservation Commission Act (HB s. 18.9). The BCC is comprised of seven Commissioners and an Executive Secretary appointed by the Mayor. The Executive Secretary is a member of the Environment Department staff. The Commission administers the Commonwealth's Wetlands Regulations by determining wetland boundaries; reviewing the permitting projects proposed in or near wetlands and defined buffer areas; and by placing conditions on development projects that affect wetlands.

Wetlands are vital to the City's natural environment and ecology. They are natural resources that contribute to water supplies and quality, provide habitat to fish and shellfish, prevent flood and storm damage, provide wildlife habitat, and preserve open space and natural areas. The Chestnut Hill Reservoir, although manmade, is considered a wetland, protected by the BCC.

a. BCC Regulatory Compliance

Work within 100 feet of a wetland or flood plain area is under the jurisdiction of the BCC and requires a permit. Two times each month, the BCC holds public hearings to review permit applications and to provide an opportunity for abutters and the public to comment on proposed work. Permit applications are available from the Boston Conservation Commission at Boston City Hall, Room 805. All projects proposed within 100 feet of the Chestnut Hill Reservoir require a permit from the BCC. Maintenance activities may be permitted programmatically, as at the Charles River Basin, but further consultation with the BCC is required to develop vegetation management practices that are appropriate for Chestnut Hill Reservation.

2. Cooperation with MWRA

In 1979 the Chestnut Hill Reservoir changed from an active water supply to an emergency, back-up reservoir. The Massachusetts Water Resource Authority (MWRA) retains control and management of those features that are critical to their operations. The joint management responsibilities of the DCR (formerly the Metropolitan District Commission) and the MWRA are outlined in a 2002 agreement. Several water quality control measures are specified in the agreement including:

- Waterfowl and other wildlife control;
- Requirement that pets be leashed and curbed;

- No horseback riding;
- Trash and debris control;
- Consideration for non-motorized boating concession;
- No swimming or bathing;
- Signage program including prohibited and allowed uses;
- Proper maintenance, design and construction to minimize erosion;
- Patrolling of the area by DCR rangers;
- Advance notification to the MWRA of any construction, alteration, or maintenance work, with opportunity to review and comment;
- MWRA retains the option to salvage and reuse the iron picket fence if removed by the DCR.

The MWRA continues to manage and maintain the following resources for water supply purposes:

- Gate #2, intake, discharge pipes, electric and instrumentation;
- Gatehouse #1, dam structure (this includes the entry road and turnaround);
- Cochituate Aqueduct and its facilities including the Intermediate Gatehouse;
- Weston Aqueduct Supply Main, blow-off facilities;
- Sudbury Aqueduct Terminal Chamber discharge pipe to reservoir both existing and planned.

a. MWRA Regulatory Compliance

For all activities at the Chestnut Hill Reservation, the DCR should consult with the MWRA for compliance with the 2002 agreement. DCR and the MWRA currently have an informal staff-to-staff system of communication, which serves both agencies well. The park supervisor or project managers should work with the MWRA representative early in the planning stages of a project to avoid conflicts.

A representative from the MWRA has served on the planning team for this Resource Management Plan, providing valuable guidance in shaping the management strategy and treatment recommendations to insure consistency with the 2002 interagency agreement.

Interagency Agreements

The Reservation is now composed of several different parcels of land that were once controlled by the MWRA, the former MDC, and the City of Boston. A May 13, 1976 agreement transferred management including “care, custody and control, including police protection”, of the 17.55-acre parcel of land (known as “Chestnut Hill Park” at the time) north of and including Chestnut Hill Driveway and the right of way of Saint Thomas More Road from the City of Boston to the MDC for 99 years. A June 22, 1978 Order of Taking contains the provisions for a perpetual 10 foot-wide, (approximately 150 feet long and 1,506 square feet in area) easement for the purposes of installing and maintaining an electrical conduit between the Reservation property line and the Commonwealth Avenue right of way. This easement addressed solely the electrical line as trees and structures within the limits were not included in it.

Operation and maintenance responsibility for the area within the perimeter fence was passed from the MWRA back to the MDC through an interagency agreement in 2002.³ Up until the 2002 agreement between the MWRA and MDC, the MDC maintained control of all of the land outside the perimeter fence and inside the boundary of the current Reservation, while the MWRA controlled all of the land inside of the perimeter fence and Shaft #7. As a result of the 2002 agreement, the MDC (now DCR) assumed management responsibility for the Reservoir, the perimeter fence and the surrounding Commonwealth land and agreed to develop, implement, and manage a public access plan and program for the Reservation. The MWRA retains responsibility for Gatehouse #2, Gatehouse #1, Cochituate Aqueduct, Weston Aqueduct Supply Main, and the Sudbury Aqueduct Terminal Chamber.

¹ The full analysis of the secondary historic contexts and periods of significance and their associated integrity can be found in Appendix C.

² Charles Birnbaum and Chris Capella Peters. *The Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes* (Washington, D.C.: National Park Service, 1996), p. 48.

³ Agreement Between the Metropolitan District Commission and the Massachusetts Water Resources Authority Regarding Chestnut Hill Reservoir and Surrounding Lands Held By or On Behalf of the Commonwealth, May 2002.